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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,819	05/14/2001	Donald Robert Martin Boys	P652D1	9684

24739 7590 03/18/2005

CENTRAL COAST PATENT AGENCY  
PO BOX 187  
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EXAMINER
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YAO, KWANG BIN

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/855,819

**Applicant(s)**BOYS, DONALD ROBERT  
MARTIN**Examiner**

Kwang B. Yao

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/14/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 5/14/01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the number of the listed document is not a valid U.S. Patent Number. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 17-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaufman (US 6,654,367).

Kaufman discloses an Internet audio appliance comprising the following features:  
regarding claim 17, for an Internet-capable device (Figs. 1 and 2, INTERNET RADIO

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APPLIANCE 100), a dedicated Web browser application for navigating to and invoking multimedia content upon a single action by a user, comprising: a browser cache (column 3, lines 46-48) for storing Internet protocol addresses of servers and Universal Resource Locators of Web pages hosting the multimedia content; an assignment map (column 4, lines 45-67) for associating the Internet protocol addresses and Universal Resource Locators to individual ones of physical indicia (column 3, lines 55-67) presented on the Internet-capable device (Figs. 1 and 2, INTERNET RADIO APPLIANCE 100); an application program interface for enabling invocation of an associated media player (column 4, lines 23-31); and a software parser (Fig. 2, CHANNEL SELECTOR MODULE 200, CONTROLLER 202) for differentiating between multimedia links for invoking a player (column 4, lines 23-31) and other types of links; characterized in that upon a single action of execution by the user upon an individual one of the physical indicia (column 3, lines 55-67) presented on the Internet-capable device (Figs. 1 and 2, INTERNET RADIO APPLIANCE 100), the Web browser navigates to the assigned server and URL, and automatically invokes an embedded multimedia link thereby launching the associated player (column 4, lines 23-31) and playing the multimedia; regarding claim 18, wherein the Internet-capable device (Figs. 1 and 2, INTERNET RADIO APPLIANCE 100) is an Internet radio; regarding claim 19, when the Internet-capable device (Figs. 1 and 2, INTERNET RADIO APPLIANCE 100) is a personal computer; regarding claim 20, wherein the Internet radio operates in a wireless mode; regarding claim 21, wherein the software parser (Fig. 2, CHANNEL SELECTOR MODULE 200, CONTROLLER 202) retains more than one multimedia offering for subsequent serial invocation and sampling (Fig. 2, DSP 220; PLAYBACK/RECORD MODULE 212) by the associated media player (column 4, lines 23-31) in the case of more than

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one embedded link on a single Web Page; regarding claim 22, wherein the sampling (Fig. 2, DSP 220; PLAYBACK/RECORD MODULE 212) is user controlled; regarding claim 23, wherein the multimedia is live broadcast radio (column 4, lines 2-31) offered over the Internet; regarding claim 24, wherein the multimedia is stored audio data offered over the Internet; regarding claim 25, a hardware/software system for enabling one-touch access to live or stored audio content offered through a data-packet-network comprising: a network-capable device leaving a modem (Fig. 2, MODEM 224) and a working connection to the network; indicia (column 3, lines 55-67) presented on the device enabling user selection of at least one offering of the available audio content; and a dedicated Web browser application running on the device and having interface with a media player (column 4, lines 23-31), a cache (column 3, lines 46-48), a parser (Fig. 2, CHANNEL SELECTOR MODULE 200, CONTROLLER 202), and an assignment map (column 4, lines 45-67); characterized in that separately addressed offerings on the network may be programmed into individual ones of the indicia (column 3, lines 55-67) present on the device such that when a user invokes an indicia (column 3, lines 55-67), the assigned offering is accessed, at which time the content is downloaded and played on the device; regarding claim 26, wherein the network-capable device is an Internet radio coupled to the Internet network (Fig. 1, INTERNET 508); regarding claim 27, when the Internet radio accesses the Internet wirelessly; regarding claim 28, wherein the Internet radio operates in a wireless mode; regarding claim 29, wherein the software parser (Fig. 2, CHANNEL SELECTOR MODULE 200, CONTROLLER 202) retains more than one multimedia offering for subsequent serial invocation and sampling (Fig. 2, DSP 220; PLAYBACK/RECORD MODULE 212) by the associated media player (column 4, lines 23-31) in the case of more than one embedded link on a single Web Page;

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regarding claim 30, wherein the sampling (Fig. 2, DSP 220; PLAYBACK/RECORD MODULE 212) is user controlled; regarding claim 31, wherein the multimedia is live broadcast radio (column 4, lines 2-31) offered over the Internet; regarding claim 32, wherein the multimedia is stored audio data offered over the Internet; regarding claim 33, an Internet-capable radio for accessing, downloading, and playing live or stored audio content offered through the Internet network (Fig. 1, INTERNET 508) comprising: access software for accessing the Internet; modem (Fig. 2, MODEM 224) circuitry for enabling an Internet connection; a set of physical turning indicia (column 3, lines 55-67), the indicia (column 3, lines 55-67) programmable and separable according to individual content offerings; and a dedicated Web browser application running on the device and having interface with a media player (column 4, lines 23-31), a cache (column 3, lines 46-48), a parser (Fig. 2, CHANNEL SELECTOR MODULE 200, CONTROLLER 202), and an assignment map (column 4, lines 45-67); characterized in that separately addressed offerings on the Internet may be programmed into individual ones of the indicia (column 3, lines 55-67) present on the device such that when a user invokes an indicia (column 3, lines 55-67), the assigned offering is accessed at which time the content is downloaded and played on the device; regarding claim 34,. The Internet-capable radio of claim 33 connected to the network wirelessly; regarding claim 35, The Internet-capable radio of claim 33 coupled to the network by way of an Internet access line; regarding claim 36, wherein the software parser (Fig. 2, CHANNEL SELECTOR MODULE 200, CONTROLLER 202) retains more than one multimedia offering for subsequent serial invocation and sampling (Fig. 2, DSP 220; PLAYBACK/RECORD MODULE 212) by the associated media player (column 4, lines 23-31) in the case of more than one embedded link on a single Web Page; regarding claim 37,

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the Internet-capable radio of claim 36 wherein the sampling (Fig. 2, DSP 220; PLAYBACK/RECORD MODULE 212) is user controlled. See column 3-6.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kikinis (US 6,055,566) discloses an information dissemination system.

Mackintosh et al. (US 6,349,329) discloses a broadcast system.

Lowell (US 6,012,086) discloses an Internet system.

Palmer et al. (US 5,905,865) discloses a communication system.

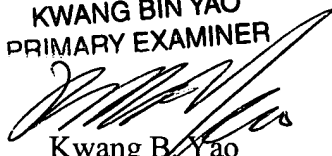
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 571-272-3182. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KWANG BIN YAO  
PRIMARY EXAMINER



Kwang B. Yao  
March 11, 2005